IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1224 (M/S) OF 2001
(Old no. 12259 of 2000)

Lal Chandra S/o Ladika Singh
R/o Vill. Chakauni, P.S. Kichha
District – Udham Singh Nagar ……Petitioner

Versus

1. State of U.P.
2. Commissioner, Kumaun Division, Nainital
3. District Magistrate, Udham Singh Nagar.
4. Superintendent of Police, Udham Singh Nagar.

….. Respondents

12.04.2006

Sri Nanak Chand Gupta, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Nanak Chand Gupta, Learned Counsel for the petitioner and Learned Standing Counsel for the respondents .

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 03.11.1999 & 14.07.1999 passed by the respondent No.2 & respectively.

Briefly stated according the case of the petitioner, One Sant lal Vill Malik P.S. Kichha District Udham Singh Nagar lodged a false F.I.R. in the Police Station at Kiccha on 02.12.1997 against him and on the basis of report of the respondent No.4, the District Magistrate, Udham Singh started the proceedings for cancellation of the petitioner's license of the D.B.B.L. Gun No.2856, license no. is 373/G-11/Kiccha and the petitioner contested the same, but the respondent no.3 has suspended the petitioner's gun license vide order dated 14.07.1999 without giving any opportunity the petitioner. The petitioner preferred the appeal before the respondent No.2. The appeal was also dismissed on 03.11.1999.

The grievance of the petitioner is that without complying the provisions of section 17 of the Arms Act, the order has been passed.

In view aforesaid, the matter is sent back to the District Magistrate, Udham Singh Nagar for deciding the matter in accordance with the law.

Consequently, with petition is allowed. No order as to costs.

(Rajesh Tandon, J.)

12.04.2006

Jain